

HOUSE BILL REPORT

HB 1841

As Reported by House Committee On:
Higher Education

Title: An act relating to the modification of the governing boards of state colleges and universities.

Brief Description: Adding a faculty member to the governing board of each four-year institution of higher education.

Sponsors: Representatives White, Warnick, Wallace, Angel, Sells, Hasegawa, Hinkle, Goodman, Lias, Ormsby, Anderson, Haigh, Sullivan, Haler, Priest, Morris, Kenney, Schmick, Hudgins and Conway.

Brief History:

Committee Activity:

Higher Education: 2/3/09, 2/13/09 [DPS].

Brief Summary of Substitute Bill

- Adds a faculty member to each of the governing boards of the public four year institutions of higher education.

HOUSE COMMITTEE ON HIGHER EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel, Driscoll, Haler, Hasegawa and White.

Minority Report: Do not pass. Signed by 1 member: Representative Carlyle.

Staff: Cece Clynch (786-7195)

Background:

The University of Washington (UW) and Washington State University (WSU) are each governed by a board of regents. Each board has 10 members appointed by the Governor with

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

the consent of the Senate. Nine of the members serve six-year terms. The tenth member, a student, is appointed to a one-year term. The student member is specifically prohibited from voting on matters related to hiring, discipline, or tenure of faculty members.

The Evergreen State College (TESC) and the regional universities, Central Washington University, Eastern Washington University, and Western Washington University, are each governed by an eight-member board of trustees appointed by the Governor. Seven of the members of each board serve six-year terms. The eighth member, a student, is appointed to a one-year term. The student member cannot participate in voting on matters related to hiring, discipline, or tenure of faculty members.

In the exercise of their powers and duties, boards of regents and boards of trustees:

- control the university and its property of various kinds, except as otherwise provided by law;
- employ the president of the university as well as faculty members;
- establish entrance and completion requirements;
- establish colleges, schools, and departments necessary to carry out the purpose of the institution;
- prescribe the courses of study;
- grant degrees and certificates;
- accept gifts and grants for the use and benefit of the institution;
- enter into contracts as essential for institutional purposes; and
- submit reports to the Governor and Legislature.

Each member of a board of regents or board of trustees takes an oath to faithfully and honestly discharge the duties of the position and to perform strictly and impartially to the best of his or her ability.

Summary of Substitute Bill:

It is recognized that faculty members are subject specialists with extensive experience in teaching and learning, in general, as well as in their specific fields. It is further noted that faculty members also participate in their institutions by designing and monitoring programs, including standards, curricula, and degree requirements while the boards of regents and boards of trustees are charged with establishing entrance requirements, schools, colleges, departments, and degree requirements.

A full-time or emeritus member of the faculty is added to the board of regents or the board of trustees of each of the public four-year institutions. With these additions, the UW and WSU will each be governed by a board of 11. The regional universities and TESC will each have a nine-member board of trustees. The change to a larger board and inclusion of a faculty member begins with the first appointment to each board after the effective date.

The Governor selects the faculty member from a list of five candidates supplied by the governing body of the university or college faculty or, in the case of TESC, from a list of five

candidates submitted by the college faculty. The faculty member of the board serves a three-year term or until he or she is no longer a member of the faculty. Faculty members so appointed must excuse themselves from participation or voting on matters: (1) related to hiring, discipline, tenure, or compensation of faculty and personnel faculty compensation; (2) subject to collective bargaining; and (3) relating to the review, negotiation, or approval of a collective bargaining agreement.

Substitute Bill Compared to Original Bill:

The term of office of a faculty member on a governing board is changed from six to three years. Additional restrictions are imposed on faculty participation and voting. Original restrictions related only to faculty compensation, including union contracts. The substitute bill requires faculty members on governing boards to excuse themselves from participation or voting on matters: (1) related to hiring, discipline, tenure, or compensation of faculty and personnel faculty compensation; (2) subject to collective bargaining; and (3) relating to the review, negotiation, or approval of a collective bargaining agreement.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) In tight budget times, there is a need for rebuilding and innovation. Faculty presence on these boards will strengthen the boards. For instance, faculty can assist the boards in looking at outcomes as well as resources. Faculty bring a wealth of knowledge regarding institutions of higher education. Already it is faculty that implement many of the decisions made by the governing boards. Boards will become more responsive and effective with a member of the faculty sitting at the table. Students are the reason that colleges and universities exist. The administration ensures stability. It is the faculty that mentor, advise, and teach the students. Administration and faculty can become isolated from one another. It is valuable to debate, learn, and make decisions together.

(In support with concerns) Students and faculty can often be marginalized. Faculty should be on the board but the term of membership should only be two or three years and the person should step down when no longer a member of the faculty. More restrictions are needed with respect to the matters on which faculty can participate and make decisions.

(Concerns) Faculty already have a Faculty Senate. There are also faculty unions. In the event that faculty are on governing boards, they should have to excuse themselves regarding other terms and conditions of work as well as all provisions of the union contract.

(Opposed) The members of the governing boards should be independent citizens from around the state. Current employees should not be members of the governing boards. There are currently other opportunities for faculty to bring ideas and opinions to the boards.

Persons Testifying: (In support) Representative White, prime sponsor; J. W. Harrington, University of Washington; John Purdy, Western Washington University; and Jim Pappas, Central Washington University.

(In support with concerns) Dave Iseminger, University of Washington.

(Concerns) Ann Anderson, Central Washington University.

(Opposed) Sherry Burkey, Western Washington University.

Persons Signed In To Testify But Not Testifying: None.